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*Counsel for Plaintiff Sonoro Invest S.A.*

**UNITED STATES DISTRICT COURT**  
**DISTRICT OF NEVADA**

SONORO INVEST S.A., a Panamanian  
corporation,

Plaintiff,

v.

ROBERT MILLER, an individual; ANDREW  
SHERMAN, an individual; COSTAS TAKKAS, an  
individual; and STEPHEN GOSS, an individual,

Defendants,

and

ABAKAN, INC., a Nevada corporation,

Nominal Defendant.

Case No. 2:15-cv-2286

**STIPULATION AND  
[PROPOSED] ORDER  
TO STAY ALL DEADLINES  
IN THE SCHEDULING ORDER  
DUE TO A PENDING SETTLEMENT**

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1 Plaintiff Sonoro Invest S.A. (“Sonoro”) and Defendants Robert Miller (“Miller”), Andrew  
2 Sherman (“Sherman”), Costas Takkas (“Takkas”), and Stephen Goss (“Goss”) (collectively, the  
3 “Parties”), by and through their respective counsel, submit this Stipulation to stay all current  
4 deadlines in the operative Scheduling Order (ECF No. 145) due to a pending settlement.

5 1. On July 17, 2017, the Parties executed a Binding Term Sheet for Settlement (“Binding  
6 Term Sheet”) that is intended to resolve any and all claims between the Parties.

7 2. Pursuant to the terms of the Binding Term Sheet, the Parties must submit a joint  
8 request to the Court to stay this action for thirty (30) days in order to draft and execute a longer-form  
9 definitive agreement (“Long-Form Agreement”), and to seek Court approval thereof.<sup>1</sup>

10 3. The Parties intend to seek approval by the Court of the Long-Form Agreement, or the  
11 Binding Term Sheet, as the case may be, pursuant to Fed.R.Civ.P. 23.1(c). Upon Court approval,  
12 Sonoro will dismiss, with prejudice, the above-captioned action.

13 4. The current deadlines in the Scheduling Order (ECF No. 145) are as follows:

- 14 i. Amending the Pleadings and Adding Parties – November 2, 2017
- 15 ii. Interim Status Report – December 1, 2017
- 16 iii. Expert Disclosures – December 1, 2017
- 17 iv. Rebuttal Expert Disclosures – January 9, 2018
- 18 v. Discovery Cut-Off – January 30, 2018
- 19 vi. Dispositive Motions – March 1, 2018
- 20 vii. Pretrial Order – April 2, 2018

21 5. In compliance with the Binding Term Sheet, the Parties stipulate and agree to stay this  
22 action, including the above-referenced deadlines and all discovery, in order to provide sufficient time  
23 to effectuate the settlement.

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27 <sup>1</sup> Pursuant to the terms of the Binding Term Sheet, if the parties are unable to execute a Long-Form  
28 Agreement within such time, the Binding Term Sheet shall be the final, binding settlement agreement  
between the Parties which shall be submitted to the Court for approval.

6. In the unlikely event the Parties are unable to effectuate the settlement, they will jointly seek the entry of a new scheduling order.

Respectfully submitted,

Dated: July 18, 2017

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| <p>By: <u>/s/ Michael A. Kolcun</u></p> <p>David Marder, Esq. (<i>pro hac vice</i>)<br/>         Sherli Furst, Esq. (<i>pro hac vice</i>)<br/>         Michael A. Kolcun, Esq. (<i>pro hac vice</i>)<br/>         ROBINS KAPLAN LLP<br/>         399 Park Avenue, Suite 3600<br/>         New York, New York 10022-4611<br/>         Telephone: (212) 980-7400<br/>         Facsimile: (212) 980-7499<br/>         DMarder@RobinsKaplan.com<br/>         SFurst@RobinsKaplan.com<br/>         MKolcun@RobinsKaplan.com</p> <p>James Patrick Shea, Esq.<br/>         Scott D. Fleming, Esq.<br/>         Armstrong Teasdale LLP<br/>         3770 Howard Hughes Parkway, Suite 200<br/>         Las Vegas, NV 89169<br/>         Main: (702) 678-5070<br/>         Direct: (702) 473-7079<br/>         Cellular: (702) 743-6263<br/>         JShea@ArmstrongTeasdale.com<br/>         SFleming@ArmstrongTeasdale.com<br/> <i>Counsel for Plaintiff Sonoro Invest S.A.</i></p> | <p><u>/s/ Christina C. Tizzano</u></p> <p>Christina C. Tizzano, Esq. (<i>pro hac vice</i>)<br/>         The Chilcote Law Firm LLP<br/>         The Cedar-Grandview Building<br/>         12434 Cedar Road, Suite Number 3<br/>         Cleveland Heights, Ohio 44106<br/>         Telephone: (216) 795-4117<br/>         Facsimile: (216) 795-4245<br/>         christina.tizzano@chilcotelaw.com</p> <p>Patrick J. Reilly, Esq. (6103)<br/>         Andrea M. Champion, Esq. (13461)<br/>         Holland &amp; Hart LLP<br/>         9555 Hillwood Drive, Second Floor<br/>         Las Vegas, Nevada 89134<br/>         Tel: (702) 669-4600<br/>         Fax: (702) 669-4650<br/>         preilly@hollandhart.com<br/>         amchampion@hollandhart.com<br/> <i>Attorneys for Defendant Andrew J. Sherman</i></p> |
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**CERTIFICATE OF SERVICE**

I HEREBY CERTIFY that a true and correct copy of the foregoing was served on all parties of record via ECF on this 18<sup>th</sup> day of July, 2017.

By: /s/ Jessica Myrold  
Jessica Myrold

IT IS SO ORDERED:

UNITED STATES MAGISTRATE JUDGE

DATED: \_\_\_\_\_